Scott. II-27—40,000—14-10-36.

Home (193 7) Department.

4us SERIES.

G.O. No. 1517

317

DATED 30. 3. 937

[Despatch Abstract.]

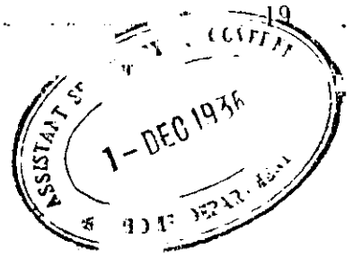
Courts - Civil - Appointment of an Additional District Munsif for the District Munsif's Court, Mangalore - From the date of the re-opening of the Court after the summer recess for 1937 - Sanctioned.

F. 30.

159

DEPARTMENT.

RR *Received* .... 19 . *Registered* Home 28.33.E.19 1.12.36



Subject.

ENCLOSURES.
No. .....
.....
Spare copies

R.O.C. No. 4193/36-D2.

Station Madras , *Dated the* 27th November 1936.

From (Name) G.S.White Esquire, (Solicitor,,
(Designation) Registrar, High Court, Madras.

To The Secretary to the Government of Madras,

HOME Department.
(with enclosures).

Sir,

Court - Civil - Appointment of an Additional District Munsif to the District Munsifs' Courts of Mangalore, Kasaragod and Karkal for a period of one year from 4-1-1937 - Recommended.

I am to state that the Hon'ble the Judges recommend sanction of the appointment of an Additional District Munsif with the usual establishment of 3 clerks and 3 peons for a period of one year from 4-1-1937 to give relief to the District Munsifs' Courts of Mangalore, Kasaragod and Karkal.

The pendency in the three Courts on 30-9-1936

was

was as follows:-

Name of Court.	Pendency on 30-9-1936 O.S.	Small Cause	Standard out-turn O.S. after full trial.	old standard	new
D.M.Court, Mangalore	524(269 old)	169 (53 old)	190	527	1476
" Kasaragod	610(194 ")	55 (11 ")	235	792	880
" Karkal	544(216 ")	66 (25 ")	175	640	441
Total ..	1678(679 old)	290 (89 old)	600		

The pendency alone represents more than a year's work for a single Officer. Further, it is reported that a large number of the old suits now pending are heavy and complicated requiring several days for trial. The Hon'ble the Judges consider that the figures of old suits show that the District Munsif's Court, Mangalore, urgently needs relief and that the other two District Munsifs' Courts will require relief in the near future and that the appointment of an additional District Munsif is necessary. I am therefore directed to request that the Government may be pleased to sanction the appointment of an additional District Munsif with the usual establishment of 3 clerks on Rs.30-55 each per mensem and 3 peons on Rs.12-17 each per mensem, for one year from 4-1-1937, to work in the first instance in the District Munsif's Court at Mangalore and subsequently in the District Munsifs' Courts at Kasaragod and Karkal.

The extra cost involved in the proposal during the current year will be met from the existing budget grants for the current year under "24 e.B.Mufassal Civil

and

and Sessions Courts - Regular Establishments - Pay of Officers and Pay of Establishments - Voted". As regards the cost involved in the next year, I am directed to request that the Government may be pleased to make the necessary provision in the next year's budget for the whole year 1937-1938.

Statements showing the institutions, disposals and pendency in the several District Munsifs' Courts in the District for the last 3 years and the current year upto 30-9-1936 are enclosed.

I have the honour to be,

Sir,

Your most obedient servant,

REGISTRAR.

PP

District Munsif's Court, Mangalore.

Statement A.

Year	Name of the presiding Officer	Period presidedover: From	To	Period: Y.	M.	D.	Original Suits: Instituted	Disposed of: Contested	Un-contested	Total	Standard fixed	Still pending: Total	Over one year old	Small Cause Suits: Instituted	Disposed of: Contested	Un-contested	Total	Standard fixed	Still pending: Total	Overthree months old	Remarks
1933	Mr.P.Narayana Menon	1-1-33	29-9-33	0	8	29		205	130	335	Contested=319 Uncontested=208				274	789	1063	Contested=238 Uncontested=1238			
	Mr.C.K.Menon	5-10-33	31-12-33	0	2	27		69	63	132					75	184	259				
	Total for the Court ..			0	11	26	504	274	193	467		368	127	1304	349	973	1322		205	59	
1934	Mr.C. K.Menon	1-1-34	31 12/34	1	0	0	444	186	241	427		367	155	1221	232	954	1186		252	118	
1935	Mr.C.K.Menon	1-1-35	31 12/35	1	0	0	505	144	299	443		436	206	1234	177	994	1171		319	154	
1936	Mr.C.K.Menon	1-1-36	25 5/36	0	4	25		31	257	288	After full trial =190				50	313	363	No standard			
	Mr.A.V.Venkatramana Aiyar	1-6-36	30-9-36	0	3	0		48	128	176					41	249	290				
	Total for the Court			0	7	25	366	79	385	464		524	269	692	91	552	653		169	53	

Statement B.

Number of old Suits pending on 30-9-1936 .. O.S. 269 S.C. 53

Number of old Suits likely to be pending on the date of closing of the Court for the Summer Recess 1937 .. O.S. 300 S.C. 75

Dist. Court, South Kanara, Mangalore, 30-10-1936.

Sd./ Mir Amiruddin,
District Judge.

District Munsif's Court, Kasaragod.

Statement A.

Year	Name of the presiding Officer	Period presidedover: From	To	Period: Y. M. D.	Original Suits: Instituted	Disposed of: Contested	Uncontested	Total	Standard fixed	Still pending: Total	Over one year old	Small Cause Suits: Instituted	Disposed of: Contested	Uncontested	Total	Standard fixed	Still pending: Total	Overthree months old	Remarks
1933	Mr.N.V.Pai	25-9-33	31-12-33	0 7 2		215	176	391					150	415	565				There was an Addl. Munsif in 1933 from 29-5-33 to 21-12-33
	Mr.A.Parameshwara Aiyar	1-1-33	31 12 33	1 0 0		281	70	351					83	164	247				
	Total for the Court ..			1 7 2	571	496	246	742		215	27	830	233	579	812		96	2	
1934	Mr.A.Parameshwara Aiyar	1-1-34	31 12 34	1 0 0	667	262	320	582		354	52	826	154	651	805		120	26	
1935	Mr.B.Koragappa	3-1-35	28 4 35	0 3 27		50	209	259					15	101	116				
	Mr.N.V.Pai	29-4-35	19 6 35	0 1 21		2	19	21					2	13	15				
	Mr.P.A.Nazareth	24-6-35	31 12 35	0 6 7		187	426	613					60	213	273				
	Total for the Court			0 11 25	1043	239	654	893		611	140	402	77	327	404		48	7	
1936	Mr.P.A.Nazareth	1-1-36	30-9-36	0 9 0	684	229	470	699		610	194	220	35	181	216		55	11	

Contested=430 Uncontested=362 — Contested=194 Uncontested=666 — After full trial=235 — Nil

972 — 792

Statement B.

Number of old suits pending on 30-9-1936 = O.S. 194 S.C. 11

Dist. Court, South Kanara, Mangalore, 30-10-1936.

Number of old suits likely to be pending on the date of closing of the Court for the Summer Recess 1937 = O.S. 224 S.C. --

Sd./ Mir Aniruddin,
District Judge.

District Munsif's Court, Karkal.

6

Statement A.

Year	Name of the presiding Officer	Period presidedover From	To	Period Y. M. D.	Original Suits: Instituted	Disposed of: Contested	Uncontested	Total	Standard fixed	Still pending: Total	Over one year old	Small Cause Suits: Instituted	Disposed of: Contested	Uncontested	Total	Standard fixed	Still pending: Total	Overthree months old	Remarks
1933	Mr.U.Vaman Nayak	1- 1-33	11-10-33	0 10 15		247	218	465	Contested = 356 Uncontested=284				168	347	515	Contested = 101 Uncontested = 340			
		27-11-33	31-12-33																
	Mr.V.SatyanarainaRao	16-10-33	26-11-33	0 1 12		29	37	66					5	36	41				
	Total for the Court ..			0 11 27	497	276	255	531		483	160	629	173	383	556		54	10	
1934	Mr.U.Vaman Nayak	1- 1-34	27- 1-34	0 0 27		17	28	45					5	18	23				
	Mr.D.Rangaiya	29- 1-34	4- 5-34	0 8 29		171	486	657					30	218	248				
		10- 7-34	31-12-34																
	Mr.L.C.Colaco ..	16- 6-34	6- 7-34	0 0 21		4	35	39					6	33	39				
	Total for the Court ..			0 10 17	710	192	549	741		471	125	361	41	269	310		26	6	
1935	Mr.D.Rangaiya	1- 1-35	21- 6-35	0 5 21		62	170	232	After full trial=175				9	64	73				
	Mr.B.Koragappa	22- 6-35	31-12-35	0 6 9		93	323	416					22	141	163				
	Total for the Court ..			1 0 0	640	155	493	648		479	175	265	31	205	236	Nil	52	21	
1936	Mr.B.Koragappa	1- 1-36	30- 9-36	0 9 0	529	108	362	470		544	216	255	34	207	241		66	25	
						626		640							321				

Number of old Suits pending on 30-9-1936 = O.S. 216 S.C. 25

Dist.Court, South Kanara, Mangalore, 30-10-1936.

Statement B.

Number of old Suits likely to be pending on the date of closing of the Court for the Summer Recess 1937 = O.S. 220 S.C. --

Sd./ Mir Amiruddin, District Judge.

31-10-36

P.B.

District Munsif's Court, Kundapur

Statement A.

Year	Name of the presiding Officer	Period presidedover From	To	Period Y.	M.	D.	Original Suits: Instituted	Disposed of: Contested	Uncontested	Total	Standard fixed	Still pending: Total	Over one year old	Small Cause Suits: Instituted	Disposed of: Contested	Uncontested	Total	Standard fixed	Still pending: Total	Overthree months old	Remarks
1933	Mr.N.V.Pai	1- 1-33	7- 4-33	0	3	7		82	56	138					48	177	225				
	Mr.L.C.Colaco	8- 4-33	31-12-33	0	8	23		144	248	392	Contested = 515 Uncontested = 253				162	537	699	Contested=330 Uncontested=633			
	Total for the Court ..			1	0	0	576	226	304	530		294	25	905	210	714	924		95	11.	
1934	Mr.L.C.Colaco	1- 1-34	19- 2-34	0	1	19		33	37	70					17	71	88				
	Mr.P.A.Nazareth	19- 2-34	29- 3-34	0	1	9		26	69	95					10	55	65				
	Mr.D.S.Raja Rao	2- 4-34	31-5- 34	0	1	29		8	27	35					4	28	32				
	Mr.B.L.N.Rai	1- 6-34	31-12-34	0	7	0		186	305	491					113	512	625				
	Total for the Court			0	11	27	704	253	438	691		321	42	886	144	666	810		121	46	
1935	Mr.B.L.N.Rai	1- 1-35	31-12-35	1	0	0	506	172	329	501	After full trial = 225	340	78	778	134	629	763	Nil	145	71	
1936	do.	1- 1-36	30- 9-36	0	9	0	435	169	265	434		351	86	634	94	490	584		200	111	

Number of old Suits pending on 30-9-1936 = O.S. 86 S.C. 111

Dist.Court, South Kanara, Mangalore, 9-11-1936.

PP

Statement B.

Number of old Suits likely to be pending on the date of closing of the Court for the Summer Recess 1937 .. O.S. 90 S.C. 100

Sd./ Mir Amiruddin,
District Judge.

District Munsif's Court, Udipi

Statement A.

Year	Name of the presiding Officer	Period presidedover From	To	Period Y.	M.	D.	Original Suits Instituted	Disposed of Contested	Uncontested	Total	Standard fixed	Still pending Total	Over one year old	Small Cause Suits Instituted	Disposed of Contested	Uncontested	Total	Standard fixed	Still pending Total	Overthree months old	Remarks
1933	Mr.S.Narasimhulu	1- 1-33	31-12-33	1	0	0	544	408	304	712	Contested=423 Uncontested=482	231	9	887	190	648	838	Contested=116 Uncontested=360	121	12	
1934	Mr.S.Narasimhulu	1- 1-34	9- 6-34	0	5	9		62	165	227					21	306	327				
	Mr.D.Rangaiya	10- 6-34	6- 7-34	0	0	27		15	45	60					4	47	51				
	Mr.L.C.Colaco	7- 7-34	31-12-34	0	5	25		70	325	395					22	431	453				
	Total for the Court ..			1	0	0	573	147	535	682		302	18	897	47	784	831		87	6	
1935	Mr.L.C.Colaco	1- 1-35	31-12-35	1	0	0	504	84	399	483	After full trial =145	348	100	879	68	775	843	Nil	120	38	
1936	Do.	1- 1-36	30- 9-36	0	9	0	366	65	331	396		321	126	557	42	524	566		119	27	

Number of old Suits pending on 30-9-1936 = O.S. 126 S.C. 27

Dist.Court, South Kanara, Mangalore, 9-11-1936.

PP

Statement B.

Number of old Suits likely to be pending on the date of closing of the Court for the Summer Recess 1937 = O.S. 130 S.C. --

Sd./ Mir Amiruddin
District Judge.

District Munsif's Court, Puttur.

Statement A.

Year	Name of the presiding Officer	Period presided over: From	To	Period: Y.	M.	D.	Original Suits: Instituted	Disposed of: Contested	Uncontested	Total	Standard fixed	Still pending: Total	Over one year old	Small Cause Suits: Instituted	Disposed of: Contested	Uncontested	Total	Standard fixed	Still pending: Total	Overthree months old	Remarks
1933	Mr.C.K.Menon	1-1-33	4-10-33	0	9	4		168	155	323	Contested=410 Uncontested=338 After full trial =185				98	356	454	Contested = 116 Uncontested = 360			
-	Mr.E.Krishnamurthy	1-1-33	12-4-33	0	3	12		221	8	229											
	Mr.P.Vyasa Rao	10-10-33	31-12-33	0	2	22		70	61	131					35	97	132				
	Total for the Court			1	3	8	575	459	224	683		327	34	598	133	453	586		101	29	
1934	Mr.P.Vyasa Rao	1-1-34	31-12-34	1	0	0	533	202	364	566		328	69	542	62	500	562		88	41	
1935	do.	1-1-35	31-12-35	1	0	0	517	218	321	539		325	57	467	71	375	446		109	48	
1936	do.	1-1-36	30-9-36	0	9	0	489	192	282	474		340	51	359	69	311	380		93	28	

Statement B.

Number of old Suits pending on 30-9-1936 = O.S. 51 S.C. 28

Number of old Suits likely to be pending on the date of closing of the Court for the Summer Recess 1937 = O.S. 60 S.C. --

Dist. Court, South Kanara, Mangalore, 9-11-1936.

Su./ Mir Amiruddin,
District Judge.

PP

10

Home (Ex) Dept.

Letter No. 2833 E-3/22.1.37.
Ref

14/22/1

To

The Hon. the Chief Justice,
High Court, Madras

Hon. Sir,

Courts - civil - appointment of an Addl. Dt. Munsif for the Dt. Munsif's Court, Mangalore. Ref. Mr. White's letter Roc. No. 4198/36 D2 dt. 27.11.36.

In the ~~Registrar's~~ letter cited above, the Hon. the Judges have recommended the appointment, from 4.1.37, of an Addl. Dt. Munsif for the Dt. Munsif's Court, Mangalore with the usual establishment of three clerks and three peons. I am to say that the Govt. agree to the appointment of an Addl. Dt. Munsif with the necessary establishment.

As regards the date from which the appointment is to be sanctioned, I am to invite reference to G.O. No. 3113 L.G. dt. 6.11.24, in which the Govt. accepted the principle that so far as

practicable new temporary courts should be Established as soon ~~as possible~~ after the district vacation as possible and close before the vacation. According to this principle the new appointment should be created after the vacation of the Court. If the appointment of the Addl. D. Munsif is sanctioned before the commencement of the summer recess, it will be necessary to allow the benefit of the vacation to the Addl. Officer and his staff, (even though they would have worked only for a short period upon it) It has, therefore, been

A' on p. 14 of (K)

ll. 8-9 ord.

suggested that the additional officer and his staff may be employed from the date of reopening of the D. Munsif's Court, Mangalore after the Summer recess for 1937, till the commencement of the Christmas holidays and that the question of ~~his~~ their continuance may be considered in ~~December~~ November or December next. I am to request that the hon. the Judges will be so good as to say whether they have any objection to this suggestion

I have etc

VCS
14.1.37
10m
20/1.

20/1

VV

12

C F. 30.

DEPARTMENT.

Received ..... 192 . *Registered* Home 666 8 192

17.2.37.

19

16 FEB 1937

HOME DEPARTMENT

Subject.

161

ENCLOSURES.

No .....

.....

Spare copies .....

R.O.C. No. 4198/36 D.2

Station Madras , *Dated the* 12th February 1937.

From (Name) G.S.White Esquire (Solicitor)

(Designation) Registrar, High Court, Madras.

To The Secretary to the Government of Madras,

HOME Department.

Sir,

Courts - Civil appointment of an Additional District Munsif for the District Munsif's Court, Mangalore

H 10-11 and

Ref:- Your letter No.2833-E.3 Home Department dated 22nd January 1937.

The Hon'ble the Judges accept the suggestion contained in your letter referred to above.

I have the honour to be,
Sir,
Your most obedient servant,

Registrar.

csi

BD

HOME (E) DEPARTMENT.

2833 E From the High Court, R.O.C.No.4198-36-D-2 d. 27-11-36.

...

COURTS - Civil - Appointment of an Additional District Munsif to the District Munsif's Court, Mangalore.

...

A.S.

The High Court recommends the appointment of an Additional District Munsif for the District Munsif's Court, Mangalore with the usual establishment of three clerks and three peons for a period of one year from 4-1-37. It is stated that the District Munsifs' Courts, Mangalore, Kasargod and Karkal require relief; but that the District Munsif's Court, Mangalore requires relief urgently and that the other two courts will require relief in the near future. The appointment applied for is to give relief to all the three courts and it is stated that the Additional District Munsif is to work in the first instance in the District Munsif's Court, Mangalore. It may be noted that if the appointment is sanctioned by Government, the Additional District Munsif cannot be made to work in the other courts, unless so authorised by notification under sec. 4 of the Madras Civil Courts Act, 1873. The question of sanctioning an additional officer may therefore be confined to the District Munsif's Court, Mangalore for the present, and it may be left to the High Court to direct the transfer of suits to the District Munsif's Court, Mangalore, from the other two courts, if necessary or to recommend the transfer of the appointment to the other two Courts.

2. The following is the state of pendency in the District Munsif's Court, Mangalore as compared

compared with the standard outturn prescribed.

	O.S:	S.Cs.
	524 (269 old)	169 (53 (old)
Old standard for 1 officer	527	1,476

The pendency will give enough work for an additional officer, for a year, especially in view of the fact that there are 269 old suits which are apparently tough suits.

3. The following statement shows the disposal of the District Munsif, Mangalore.

Year	O. S.		S. Cs.	
	After full trial	Total.	After full trial	Total
1935	144	443	117	1,171
1936	105 1/3	618 2/5	121 1/3	870 2/3
Standard.	190	527		1,476

In 1934, the disposals of the District Munsif, Mangalore were below the standard both in respect of O.S. ~~disposed of~~ after full trial and the total number of O.S. The number of S.Cs. disposed of were also below the standard. On the basis of the first nine months disposals the total number of O.S. that will be disposed of for 1936, will be above the standard in respect of the total number of O.S. But the disposal in respect of the O.S. disposed of after full trial and the total number of S.Cs. will be less than the standard.

The High Court's proposal may be accepted.

4. The High Court has stated that the cost involved in the current year will be met from the existing budget grant, and requests that the necessary funds for the

the next year may be provided. Submitted that this is a new item of expenditure, and it should be brought as a Part II scheme. Apparently the proposal cannot be postponed to the next year, as the High Court says that the District Munsif's Court, Mangalore, requires relief urgently.

5 The Finance Department may be requested to state whether the proposal may be sanctioned after approval by the cabinet. There will be no Finance Committee for the year, hereafter. It seems unnecessary to make a report to the Finance Committee.

15 DEC 1936 FINANCE DEPT.

Finance (E.I).

At the instance of the High Court, the Home Department propose to sanction the employment of an Additional District Munsif in the District Munsif's Court, Mangalore, with the usual staff of 3 clerks and 3 peons for a period of 1 year from 4-1-1937. The proposal involves an extra cost of Rs. 68,000/- per annum as under:-

	Cost per annum. Rs.	Immediate cost (1936-37)(2 month Charge) Rs.
1 Additional Dt. Munsif (Rs.250-500)(av.400)	4,800	500
3 Clerks on Rs.30-55 (av.42½)	1,515	180
3 Peons (Rs.12-17) (av.14-7-0)	529	72
Total.	6,844 or 6,800 roundly	752 or 800 roundly.

15 DEC 1936

2/ The following statement shows the institutions, disposals and pendency in the Dt. Munsiff's Court, Mangalore since 1932;-

Year	Institutions		Disposals		Pendency	
	O.S.	S.Cs.	O.S.	S.Cs.	O.S.	S.Cs.
1932	476	1529	474	1476	324	214
1933	504	1304	467	1322	368	205
1934	444	1221	427	1186	367	252
1935	505	1234	443	1171	436	319
1936 (For the first 9 months.)	366	692	464	653	524 (on 1-10-36)	169
Standard outturn (old) for a single Officer.			527	1476		

p 8 of G.O. 1504 Laws/1/5/32

Taken from p 4 c/f

Vide p 2 ante

3/ It will be observed from the above statement that while the institutions under original suits are fluctuating, those under small causes show a tendency to decline. The increase in pendency under original suits is mainly due to the fact that the disposals have not reached the standard out-turn during any of the years from 1932 to 1935, while the disposals under small causes is far below the standard. Home may perhaps be requested to point this out to the High Court.

C 23/12/36

4/ The pendency of the original suits in the District Munsif's Court, Mangalore on 1-10-36 is 524 of which 269 cases are old. It is stated that a large number of old suits are heavy and complicated requiring several days for trial. In view of the fact that the pendency on 1-10-36 alone represents about a year's work irrespective of subsequent institutions, Finance may agree to the employment of an addl. District Munsif with the staff proposed. It may, however, be suggested, that with a view to obviate incurring expenditure on account of the staff for

Vide c/f

5

It is quite likely that the staff will be appointed only about 15th January and the recess in Mangalore will commence about the middle of April. It seems unnecessary to give the temporary staff 6 weeks pay for the recess after about 3 months duty

CS 23/12/36

6 weeks during the summer recess, 1937, the posts may be sanctioned from date of employment up to the commencement of summer recess in 1937 and again from the date of reopening of the District Munsif's Court, Mangalore up to the commencement of the Christmas Holidays, 1937. If the pendency then shows that the staff will have to be continued, they can be given the Xmas recess

The additional staff proposed is the same as is usually allowed for Additional District Munsifs and may be accepted.

5/ Funds. The proposal is an item of new expenditure and should ordinarily be treated as a Part II Scheme for 1937-38. The Home Department consider that the proposal cannot be postponed in view of the state of pendency in the Court and propose to introduce it in the current year itself, (i.e.,) from 4-1-1937 after obtaining the orders of the Cabinet in accordance with the procedure laid down for the introduction of very urgent schemes in the course of the year. Finance may agree. (No report to the Finance Committee is necessary). Home may be requested to include this item in the list of new sanctions due in this department by 15th January 1937.

p 3 ante

A

Thro' B.E. II. 23.12.36.

Fin no. 3885-Ei-1
23.12.36.

Rec'd at 3.30 P.M.

3081 E
24-12-36

Home (E)Department.

A.S.

This Dept. supported the High Court's proposal for the appointment, from 4. 1. 37, of an Addl Dt. Munsif to the Dt. Munsif's Court, Mangalore, with the usual establishment of three clerks and three peons for a period of one year. The Finance Dept. agree to the proposal subject to the following modification:-

(1) that the appointment may be sanctioned from 4-1-37 or date of employment up to the commencement of the summer recess for the court in 1937; and

(2) thereafter from the date of re-opening of the court after the summer recess in 1937 till the commencement of the Christmas holidays in 1937, the Christmas ~~recess~~ holidays being allowed, if the pendency then shows that the staff will have to be continued.

There will be a saving in cost during the summer recess (6 weeks) if the Finance Department's proposal is accepted.

2. The proposal of the Finance Department calls for the following remarks:-

In 1924 the High Court protested against the abolition of certain temporary courts and the staff, during the summer recess in cases where they had to be continued after the recess. The High Court described it as a fictitious closure of courts. It stated

(1) that it was ~~contrary to~~ (inequitable to Deptmt.) ~~deny the privilege of the summer vacation to~~ the officers and the staff who had worked till the beginning of the vacation of the summer vacation

and (2) that the abolition of a court during summer recess involved dislocation of work and undue labour.

The High Court therefore proposed that

(a) that, so far as practicable, new temporary courts should be established as soon after the district vacation and close before the vacation;

(b) if it is required after the vacation it should not be abolished during the vacation;

and (c) [illegible]

Jo no 3113 L9 (K)
6 11 ~~AL~~

The High Court's proposals in (a) and (b) above were accepted.

Though under item (a) above, new Courts (or additional appointments) should normally be opened after the vacation, the appointment of the Addl. Dt. Munsif in this Case is proposed to be employed before the vacation, in view of the urgency of the matter. The appointment of the Addl. officer will be in existence for about 3 months before the vacation. It does not seem necessary to deny the vacation ~~privilege of disposal~~ because the addl. Officer does not begin to function after the vacation to enjoy a certain period. This Dept. may urge that the appointment may be sanctioned from the date of the employment till the commencement of the Christmas holidays for 1937 in view of the fact that the officer will have work for a year.

A' on p 2 ante

Vide B' on p 5 ante

A

3. The short disposals of the Dt. Munsif during 1932-35 may be pointed out to the High Court as suggested by Finance..

A' on p 4 ante

4. The file may be sent to Finance with reference to 'A' above.

VTG
6.1.37
10W
6.1.37

6/1

S

7.1.

Name 28338-2
7.1.37.

CONSULTANT TO GOVT
7 JAN 1937
MADRAS

Finance (Ex)

(Please see previous Finance notes on pages 3-5 ante, and notes et seq.)

In the circumstances now explained, this department may agree to the

suggestion of Home at A on page 7 ante.

no 9.1.37 th 11.1.37

It will be observed that the first principle suggested by the High Court in 1924 was "that so far as practicable new temporary courts should be established as soon after the district vacation (i.e. Summer recess) as possible and close before the vacation". This principle was accepted by Govt

A S II
1st Issue

A in § 14 of Gr 3113 Law (K) 6.11.24.

§ 31 of (K)

If the High Court had proposed the present appointment somewhere about October last Finance would not have suggested that the Court should be denied the Coming Summer recess. The suggestion is made because the High Court proposes to establish

establish a Court, a few weeks before the Summer recess and to give it the Summer recess.

Finance may advise that in the present case, the bench be sanctioned from the re-opening after the Summer recess and until the end of the X mas. recess of 1937-38, the question of its continuance being examined in November or December 1937.

It is unlikely that the Court will commence working until the 1st week of February even if it is sanctioned now.

A

Cs
11.1.37

DS
14.1.37

Home.

Fin No. 715-22-37

14 JAN 1937 DEPARTMENT

Home 1718
14.1.37

HOME (E) DEPT.

A.S.

Please see this Department's note on pp.5-7 ante, and the Finance Department's note on pp-8-9 above.

2. It is for orders whether this Department may agree to the Finance Department's suggestion that the District Munsif (and his establishment) may be appointed from the date of re-opening of the District Munsif's Court, Mangalore till the commencement of the Christmas holidays for 1937. If so, orders of the Cabinet may be obtained for the appointment of the Additional District Munsif and his establishment of three clerks and three peons

A' above

B

V 22/-10-

for the period specified above. The file may be circulated to H.E. through H.M.C.1 for orders as to Cabinet circulation. - B

↑ 5 cm.

The High Court may be consulted first of this agree to the suggestion in ante. In the letter my name stated that the Municipal Court may also require only urgent

VTS 16.1.37 KOW 16.1.37

↑ 2 cf

18/1.

S

14/1

AS.

A draft letter is subd. for approval.

20.1.37 KOW 20/1

21/1

S

[Ch 666E]

[Issued Letter No. 2833 E.3 & 22.1.1937. From the High Court R.O.C.No. 4198/36 D.2 & 12.2.37.]

↑ 10-11 cf.

↑ 12 cf

CLS. Please see the reply from the High Court on ↑ 12 cf. The High Court has agreed to the suggestion that the Additional District Munsiff and their establishment may be appointed from the date of the re-opening of the District Munsiffs' Courts

Mangalore, till the commencement of the Christmas holidays for 1937.

2. As regards funds it is submitted that it is now too late to include any provision in the budget for the first half of the year 1937-38. ~~or the reasons explained above~~. The extra cost incurred during June July and August 1937 will have to be met by reappropriation. The Finance Dept may be ~~separately~~ asked to make a provision for 4 months in the second-half of 1937-38 viz. September, October, Novr and Decr. The provision required (which will be half of one year) is Rs 2281⅓ or Rs 2300/- roundly. The Finance Dept may see the file etc before ~~for any remarks they~~ the above suggestion re provision of funds orders of the Cabinet are obtained on the proposal.

A

B

6844/3 = 2281⅓

Rs in H 9-10 are

24/2
10W
26/2

ASSISTANT SECRETARY TO GOVERNMENT
9-MAR 1937
HOME DEPARTMENT

Hanno 2833 E/36-4
6.3.37

(Fin: noted last on pp. 7-9 above.)

Finance (BE II)

The proposals of Home at A & B above may be accepted.

Based on the minimum of the time scales of pay the provision required for 4 months of 2nd half of 1937-38 will be Rs. 1500 roundly.

Fin.n.o.m.80.43.BE II-1
9-3-37.

Hanno 9608
9.3.37

Rs 8043 BE II

Att. Munsif	250
3 Clerks (30×3)	90
3 Peons (12×3)	36
	376
	4
	1504

Thro' E II
6/3/37

6.3.37.

8/3/37

GB/9.3.37. Home

A.S.

Home Affairs

6662
16-3-

Submitted that this file may now be circulated to H.E. through H.M.C. for order as to Cabinet circulation. V. de B on f 10 ante

DLC
W 3
S

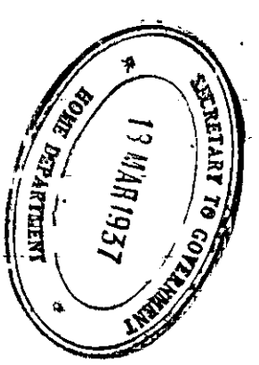
9/3
KOW
9/3

HG
1.)

C. ~~[illegible]~~
~~Keith~~
~~16.3.37~~)

HE

H.E. may be moved to order Cabinet circulation.
KER
16.3.37



Cabinet circulation.
E. 17.3.37)
HG
(3

C. KER
(18.3.37)

C4 KWB
19 3

C3 [illegible]
19.3.37.

C2 [illegible]
19.3.37)

P.T.O.

M3 MAM
21/3/37

ML
22.3.37.

M1
24.3.37

HE
25.3.37.

A.S.

A draft order is submitted for approval.

30/3

30/3

C.F. 16.

DRAFT FOR APPROVAL.

Home Dept

	Date.	Initials.
When received for fair copying ..		
When copied ..		
When examined ..		
When signed ..		
When despatched.		

SUBJECT :— Constt - Cwle - Appt of an Addl District Munsiff to the Dt Munsiff's Court, Mangalore - From the date of the re-opening of the Court after the Summer recess for 1937 - Sanctioned.

READ AGAIN _____, dated _____ 19____.

" " _____ " _____ 19____.

READ *ALSO* :—

1-3 cf No. 2833 E From the Regr. High Court, R.o.c. No. 4198/36 D.2, dated 27.11.1936.

4 10-11 cf " Letter No. " the High Court " No. 2833 E-3 " 22.1.1937.

1-2 cf " 666 E From the " " R.o.c. No. 4198/36 D.2. D.2 1937.

Order / ~~Resolution~~ Ms. / ~~Roll~~. No. 1317, dated 30.3.1937.

vide f.c. 1 at (8)
ft 6-10

The Government Sanction the appointment of an Addl Dt Munsiff for the District Munsiffs' Court, Mangalore with effect from the date of re-opening of the Court after the Summer recess ~~for 1937~~ viz the ~~date~~ of the Commencement of the Christmas Holidays for 1937.

2 The Government direct that the establishment of the District Munsiffs' Court Mangalore be strengthened by the addition of three clerks on Rs 30-5-55 each

27 25

per mensem and three peons on Rs 12:17 each per mensem so long as the number of officers presiding over the Court remains at two.

3 The foregoing notifications appointed to this order will be published in the Fort St. George Gazette.

Cf. 17 Q

Ds. 30/3. 30/3

low 30/3

31/3

To

The Hon'ble the C.J. (with C.L.)
The District Judge of Kanara
The A.G. (his)
The Finance Dept.
The Public (Rules) Dept.
The S.G.P. for Publ. of notn. in Fort St. George Gazette

3 copies. Communicate

Appendix

P.T.O.

Appendix

I

Under Section 4 of the Madras Civil Courts Act, 1873 (III of 1873) as amended by Act III of 1925, the Local Govt. after consultation with the High Court, are pleased to direct that with effect from the date of re-opening of the Courts after the Summer recess ~~preceding~~ next the date of the commencement of the Christmas holidays for 1937 the number of District Munsifs to be appointed to the District Munsifs' Court, Mangalore, in the district of South Kanara shall be two.

II

In exercise of the powers conferred by Rules 38 to 41 of the Civil Services (Classification Control and Appeal) Rules, the Local Govt are hereby pleased to make the following special rules:-

Rules

The cadre of the Madras Civil Service (Judicial Branch)

4

shall be sanctioned temporarily for the post specified in the first column of the table below for the period specified in the corresponding entry in the second column thereof.

THE TABLE

Posts	Period.
Category II	
Additional District Munsif, Mangalore.	For the period commencing from the date of re-opening of the District Munsif's Court, Mangalore after the Summer vacation ~~of 1937~~ till the ~~date of~~ the commencement of the Christmas holidays, for 1937.

2 The general and special rules applicable to holders of permanent posts borne on the said cadre shall respectively apply to the holder of the said temporary post.

Explanation

The holder of temporary post shall mean the person counted against the temporary post.

DS 30/3 10/3/38

DK 30/3/38

Government of Madras.

Received.....1937. Registered.....1937.

Abstract.

Courts - Civil - Appointment of an Additional District Munsif for the District Munsif's Court, Mangalore - From the date of the re-opening of the Court after the summer recess for 1937 - Sanctioned

---

Home Department.

G.O. Ms. No. 1317, dated the 30th March 1937.

Read the following papers:--
From the Registrar, High Court, Madras, ...C.No.4198/35-D-3, dated 17-11-1936.
Letter to the High Court, No. [illegible]-3, dated 12-1-1937.
From the -do- ...C.No.4198/36 D.2, dated 12-2-1937.

ORDER:--

The Government sanction the appointment of an Additional District Munsif for the District Munsif's Court, Mangalore, with effect from the date of re-opening of the Court after the summer recess till the commencement of the Christmas holidays for 1937.

2. The Government direct that the establishment of the District Munsif's Court, Mangalore, be strengthened by the addition of three clerks on Rs. 30-65 each per mensem and three peons on Rs. 12-17 each per mensem so long as the number of officers presiding over the Court remains at two.

3. The notifications appended to this order will be published in the Fort St. George Gazette.

(By Order of the Governor in Council)

H.E.Hood,
Secretary to Government.

To the Hon'ble the Chief Justice (with P.L.)
" District Judge, South Kanara.
" Accountant-General through the Finance Department.
" Finance Department.
" Public (Rules) Department.
Superintendent, Government Press, for publication of Notification in the Gazette.

Forwarded.
(By Order)

Superintendent.

(Appendix).

Appendix.

Under section 4 of the Madras Civil Courts Act, 1873 (III of 1873) as amended by Act III of 1[illegible], the Local Government after consultation with the High Court, are pleased to direct that with effect from the date of re-opening of the Court after the summer recess till the date of the commencement of the Christmas holidays for 1937 the number of District Munsifs to be appointed to the District Munsif's Court, Mangalore, in the district of South Kanara shall be two.

In exercise of the powers conferred by Rules 38 to 41 of the Civil Services (Classification, Control and Appeal) Rules, the Local Government are hereby pleased to make the following special rules:-

Rule 1.

The cadre of the Madras Civil Service (Judicial Branch) shall be increased temporarily by the post specified in the first column of the table below for the period specified in the corresponding entry in the second column thereof.

Table.

Post.	Period.
Category II.	
Additional District Munsif, Mangalore.	For the period commencing from the date of re-opening of the District Munsif's Court, Mangalore, after the summer recess till the commencement of the Christmas holidays for 1937.

2. The general and special rules applicable to holders of permanent posts borne on the said cadre shall respectively apply to the holder of the said temporary post.

Explanation.- The holder of temporary post shall mean the person counted against the temporary post.